IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2736 OF 2007
IN
SUIT NO.2603 OF 2004

M/s.Chembur Trading Corporation ....Plaintiff
V/s.
State of Maharashtra & Ors. ....Defendants

Mr.Virag Tulzapurkar, Senior Counsel with Ms.Alpana Ghone, Mr.Kiran Desai, Mr.Sajid Suvarna and Mr.Ricab Chand i/b M/s.DSK Legal for the Plaintiff.

Mr.N. Pandit, AGP for Defendant No.1.

Mr.G.W. Mattos for Defendant No.4.

Mr.M.S. Sawant - Sub-Divisional Engineer of M.M.R.D.A. present.

CORAM : S.J. VAZIFDAR, J.
DATED : 3RD DECEMBER, 2007.

P.C. :

1. An order dated 11.9.2007 passed at the ad-interim stage recorded that the MMRDA and the State had completed all necessary formalities and made certain recommendations regarding TDR to the SRA. This was on the Plaintiff's application for release of TDR to the extent of 11373.79 sq.mtrs. The learned Judge further recorded that the SRA had processed the matter and approved the recommendations made by the

MMRDA and the State and intimated the same to the Corporation. It was left to the Corporation to finally work out the modality to permit the Plaintiff to avail of the permissible TDR.

2. Pursuant thereto 6000 sq.mtrs. were released at the ad-interim stage. At present I am concerned only with the balance remaining from 11,373.79 sq.mtrs. claimed at this stage.

3. The officer from MMRDA is present in Court. The MMRDA, I am informed, has already granted the NOC for release of about 5523.79 sq.mtrs TDR in favour of the Plaintiff to the SRA.

4. In the circumstances, the SRA and the Corporation are directed to act on the NOC granted by the MMRDA and to process the Plaintiff’s application for the said remaining TDR in accordance with law as expeditiously as possible and in any event not later than four weeks from today.

5. The present Notice of Motion is accordingly disposed of with liberty to the Plaintiff to take out a fresh Notice of Motion for the same reliefs, if necessary in respect of any further rights including

as to any further TDR.

6. Further liberty to the Plaintiff to apply in this Notice of Motion itself in the event of there being any difficulty.